

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

* * * * *

STATE OF OKLAHOMA, ex rel. W.A.
DREW EDMONDSON, in his capacity
as ATTORNEY GENERAL OF THE
STATE OF OKLAHOMA and OKLAHOMA
SECRETARY OF THE ENVIRONMENT
C. MILES TOLBERT, in his capacity
as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF
OKLAHOMA,

Plaintiffs,

vs.

No. 05-CV-329-GKF-SAJ

TYSON FOODS, INC., TYSON POULTRY,
INC., TYSON CHICKEN, INC.,
COBB-VANTRESS, INC., AVIAGEN,
INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL,
INC., CARGILL TURKEY PRODUCTION,
LLC, GEORGE'S, INC., GEORGE'S
FARMS, INC., PETERSON FARMS,
INC., SIMMONS FOODS, INC., and
WILLOW BROOK FOODS, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF CARL PARROTT
TAKEN ON BEHALF OF THE DEFENDANTS
ON MAY 30, 2008, BEGINNING AT 8:11 A.M.
IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Gabe Pack

REPORTED BY: Jane McConnell, CSR RPR RMR CRR



1 Q In August of 2005 they exceeded the
2 allowable phosphorus in their discharge again, right?

3 A Yeah, one milligram per liter versus 1.023.

4 Q Now I just asked you specifically about
5 phosphorus, but as this document reflects, Westville
6 was repeatedly violating the permit as it relates to
7 the other constituents of their discharge, right?

8 A Yes. TSS and CBOD.

9 Q What do you know about overflows and
10 bypasses from the Westville system?

11 A I have a list here in my notebook. That's
12 what we have in our database going back to 2000.

13 Q In the interest of time, since we're
14 already making your notebook an exhibit, Exhibit 2, so
15 behind the tab for Westville how many pages in there
16 do you have for bypasses?

17 A One.

18 Q One page?

19 A Well, about three-quarters of a page.

20 Q So what's on that page represents the full
21 extent of your knowledge about bypasses or overflows
22 from the Westville system?

23 A Starting at 6-21-2000.

24 Q Do you have any information older than
25 that?

1 **A** That's as far back as we went in our
2 database. Our database goes back farther than that,
3 yes.

4 **Q** Why did you stop in 2000?

5 **A** Just because that's when we stopped. We
6 can provide you the rest.

7 **Q** How far back does the database go?

8 **A** I'm not real sure but I think it's sometime
9 in the '80s.

10 **Q** Can you tell me what was the reason for
11 stopping your summary in 2000? Were you given
12 instructions to stop at 2000?

13 **A** No, I wasn't given instructions to stop at
14 2000. That's just where we stopped.

15 **Q** Does it seem like a reasonable place?

16 **A** It's the last eight years, but we can
17 provide you more. We have the database. All the
18 discharges should be in the files. The five-day
19 reports should be in the files also.

20 **Q** What's the name of that database? What do
21 you call it in DEQ?

22 **A** Bypass database.

23 **Q** So the only thing managed in that
24 particular database is just the bypass and overflow
25 information?

1 **A** Yes.

2 **Q** Who was the person at DEQ that manages the
3 database?

4 **A** Melvin Tucker is the staff person that
5 keeps it up and receives the phone calls.

6 **Q** Can you access it from your computer at
7 your desk?

8 **A** Yes.

9 **Q** Would you agree -- or wouldn't you agree,
10 Mr. Parrott, that from the history of the Westville
11 system that it has contributed pollutants to the
12 waters of the State of Oklahoma?

13 **A** Yes.

14 **Q** Including nitrogen and phosphorus?

15 **A** Yes.

16 **Q** Including fecal bacteria?

17 **A** Yes.

18 **Q** Has Oklahoma performed an assessment or
19 study to determine the loading of these substances
20 into the waters of the state?

21 **A** There was a wasteload allocation to
22 determine what levels of oxygen-demanding substances
23 can be discharged.

24 **Q** Have you determined the volume of loading
25 of any of those constituents into the Baron Fork or

1 Lake Tenkiller over any period of time?

2 A Not to my knowledge.

3 Q Has Oklahoma --

4 A That may be outside the scope as part of
5 the TMDL. It's a study.

6 Q But not to your knowledge?

7 A Yeah.

8 Q Has Oklahoma made an estimate of the harm
9 the Westville sewage system has caused to the natural
10 resources of Oklahoma?

11 A Not at this point.

12 Q Has Oklahoma taken any action against
13 Westville for harmed natural resources?

14 A No.

15 Q Now, my question goes to all of the point
16 sources and POTWs we identified early this morning,
17 not just Westville.

18 Has Oklahoma estimated the phosphorus
19 loading to any portion of the Illinois River Watershed
20 for these point sources and POTWs over any period of
21 time?

22 A Well, you asked for the annual loading
23 because I have that information.

24 Q Tell me what you have.

25 A The questionnaire.